



PLANNING COMMISSION SYNOPSIS

Thursday, October 08, 2015

CALL TO ORDER

Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Nordstrom, Willette, Spiess, Batterson, Fischer, Bennett,
STAFF PRESENT: Markegard, Centinario, Johnson, Gruidl, Williams, O'Day

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

ITEM 1 6:03 p.m.

CASE:	8926FGHI-15
APPLICANT:	Park Place Bloomington LLC (owner and user)
LOCATION:	10700 France Avenue
REQUEST:	<ol style="list-style-type: none">1) Major revision to final development plan for an approximately 1,400 square foot second floor addition;2) Conditional Use Permit for a 10 indoor seat and 20 outdoor seat restaurant3) Amendment to a previously approved conditional use permit to relocate a 60 indoor seat and 10 outdoor seat restaurant; and4) Amendment to a previously approved conditional use permit to expand a 180 indoor seat and 59 rooftop seat restaurant

PUBLIC HEARING DISCUSSION:

Centinario stated this item is for a major revision to a previously approved final development plan as well as three new Conditional Use Permits. Case 8926F-15 proposes changes that include a 1,400 square foot second floor addition that consists of a bar, outdoor seating, elevator and stairs. It also includes a rooftop fire escape, which has been redesigned with masonry piers that mimic the building's facade. Case 8926G-15 is a Conditional Use Permit for an Italian ice and gelato restaurant with 10 indoor and 20 outdoor seats. Case 8926H-15 is a Conditional Use Permit for sub sandwich restaurant with 60 indoor and 10 outdoor seats. It replaces a quick-serve Mexican grill that was previously approved. Case 8926I-15 is a Conditional Use Permit which includes 180 indoor and 57 rooftop seats. Centinario explained the City Council approved a parking deviation when the development was originally approved. The proposed retail and restaurant uses have the same parking demand – no additional Code deviation for parking is necessary. Centinario noted that the Planning Commission has final authority on Case 8926G-15 and Case 8926H-15 and the other two cases must proceed to the City Council.

Willette asked if there will be bathrooms on the second level.

Centinario said that he was unaware if the Building Code requires a bathroom on the second level. If it does, bathrooms will need to be accommodated.

The public hearing was closed via a motion.

Spiess said she was happy with the fire escape changes and pleased that no additional parking flexibility is requested.

Nordstrom stated Case 8926F-15 and Case 8926I-15 moves to Council on October 19, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette: To close the public hearing. Motion carried 6-0.

M/Batterson, S/Spiess: In Case 8926F-15, having been able to make the required findings, I move to recommend City Council approval of the major revision to the Final Development Plan for an approximately 1,400 square foot second-level building addition at 10700 France Avenue South subject to the conditions listed in the staff report.
Motion carried 6-0

M/Batterson, S/Spiess: In Case 8926G-15, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a 10 indoor seat and 20 outdoor seat restaurant at 10700 France Avenue South subject to the conditions listed in the staff report.
Motion carried 6-0

M/Batterson, S/Spiess: In Case 8926H-15, having been able to make the required findings, I move to adopt a resolution amending a previously approved Conditional Use Permit to relocate a 60 indoor seat and 10 outdoor seat restaurants at 10700 France Avenue South subject to the conditions listed in the staff report.
Motion carried 6-0

M/Batterson, S/Fischer: In Case 8926I-15, having been able to make the required findings, I move to recommend City Council adoption of a resolution amending a previously approved Conditional Use Permit for a 180 indoor seat and 57 rooftop seat restaurant at 10700 France Avenue South subject to the conditions listed in the staff report.
Motion carried 6-0.

CONDITIONS OF APPROVAL RECOMMENDED TO THE CITY COUNCIL:

Recommended Conditions of Approval (Case 8926F-15)

Major revision to the Final Development Plan for an approximately 1,400 square foot second floor addition (Case 8926F-15) is subject to the following conditions of approval prior to the issuance of building permits:

1. All modifications must be as shown in approved plans for Case 8926F-15 unless approved by the Planning Manager.
2. Grading, Drainage, Utility, Erosion Control, Traffic Control, Access and Site Circulation plans must be approved by the City Engineer.
3. Sewer Availability Charge (SAC) must be satisfied.

While the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

1. Landscape plan must be approved by the Planning Manager (Sec 19.52).
2. Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code (Sec. 903).

3. All rooftop equipment must be fully screened (Sec. 19.52.01).
4. All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
5. Recyclable materials must be separated and collected (Sec. 10.45).
6. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
7. Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08)
8. Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
9. Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).

Recommended Conditions of Approval (Case 8926G-15)

The Conditional Use Permit for a 10 indoor and 20 outdoor seat restaurant located at 10700 France Avenue South (Case 8926G-15) is subject to the following conditions of approval prior to the issuance of building permits:

1. Conditional Use Permit is limited to the tenant space as shown on the plans in Case File 8926G-15.
2. A grease interceptor, accommodating all three restaurants, must be installed on the site and grease interceptor maintenance agreement signed and filed with the Utilities Division.
3. If the restaurant is odor producing, an odor control system, as approved by the Environmental Health Division, must be installed.
4. Sewer Availability Charges (SAC) must be satisfied.

While the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

1. Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
2. Food service plans must be approved by the Environmental Services Division (City Code Sec. 14.360).
3. All rooftop equipment must be fully screened (Sec. 19.52.01).
4. All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
5. Recyclable materials must be separated and collected (Sec. 10.45).
6. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
7. Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08)
8. Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
9. Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).

Recommended Conditions of Approval (Case 8926H-15)

The Conditional Use Permit amending a previously approved Conditional Use Permit to relocate a 60 indoor seat and 10 outdoor seat restaurant located at 10700 France Avenue South (Case 8926H-15) is subject to the following conditions of approval prior to the issuance of building permits:

1. Conditional Use Permit is limited to the tenant space as shown on the plans in Case File 8926H-15.
2. A grease interceptor must be installed on the site and grease interceptor maintenance agreement signed and filed with the Utilities Division.
3. An odor control system, as approved by the Environmental Health Division, must be installed.
4. Sewer Availability Charges (SAC) must be satisfied.

While the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

1. Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
2. Food service plans must be approved by the Environmental Services Division (City Code Sec. 14.360).
3. All rooftop equipment must be fully screened (Sec. 19.52.01).
4. All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
5. Recyclable materials must be separated and collected (Sec. 10.45).
6. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
7. Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08)
8. Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
9. Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).

Recommended Conditions of Approval (Case 8926I-15)

The Conditional Use Permit for a 180 indoor and 57 rooftop seat restaurant located at 10700 France Avenue South (Case 8926I-15) is subject to the following conditions of approval prior to the issuance of building permits:

1. Conditional Use Permit is limited to the tenant space as shown on the plans in Case File 8926I-15.
2. A grease interceptor must be installed on the site and grease interceptor maintenance agreement signed and filed with the Utilities Division.
3. An odor control system, as approved by the Environmental Health Division, must be installed.
4. Sewer Availability Charges (SAC) must be satisfied.
5. No outdoor or rooftop music or amplification is allowed after 10:00 p.m.
6. No indoor music or amplification is allowed after 10:00 p.m. when the windows are open.

While the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

1. Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
2. Food service plans must be approved by the Environmental Services Division (City Code Sec. 14.360).

3. The use must be compliant with the Bloomington Noise Code (Article IV of Chapter 10).
4. All rooftop equipment must be fully screened (Sec. 19.52.01).
5. All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
6. Recyclable materials must be separated and collected (Sec. 10.45).
7. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
8. Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08)
9. Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
10. Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).

ITEM 2
6:16 p.m.

CASE:	5277FGH-15
APPLICANT:	Nelmac Limited Partnership (owner) Eagle Ridge Partners (developer)
LOCATION:	9601 James Avenue
REQUEST:	1) Major revision to final site and building plans to demolish 30,882 square feet of an existing 84,551 square foot industrial facility and renovate the remaining space; 2) Conditional use permit for a sports training facility; and 3) Conditional use permit for a vocational school

PUBLIC HEARING DISCUSSION:

Markegard said Nelmac Limited Partnership has requested a continuance to the November 5, 2015 Planning Commission meeting.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette: I move to continue Case 5277FGH-15 to the November 5, 2015 Planning Commission meeting.
Motion carried 6-0.

ITEM 3
6:18 p.m.

CASE:	6410AB-15
APPLICANT:	Keith Freemark (owner and user)
LOCATION:	10801 Xerxes Avenue
REQUEST:	Variance to increase fence height from 4 feet to 6 feet and fence opacity from 50 percent to 100 percent

SPEAKING FOR THE APPLICANT:

Keith Freemark, applicant

SPEAKING FROM THE PUBLIC:

Steve Warner, 10800 Xerxes Avenue South

PUBLIC HEARING DISCUSSION:

Johnson brought up an aerial map of the variance location. The existing fence exceeds the height and opacity requirements. The fence was constructed in early 2015. Since the location is a corner lot, the fence height is limited to 4 feet high and 50% opaque. The applicant cites significant traffic on Xerxes Avenue, which may include truck traffic from a nearby fire station, as reason for the variance. Staff found that the fence encroaches the right-of-way by a foot on West 108th Street. The Public Works Department recommends removal of the fence or obtain an encroachment agreement if the variance is granted. Traffic levels are fairly typical of a residential neighborhood: 1,500 cars per day on Xerxes Avenue and 500 cars per day on W 108th Street. Johnson compared this variance to 3 approved variances since 2009. Two of the variances were approved due to children with documented medical needs. Johnson compared the proposed fence variance with one approved recently at 8201 Pillsbury Avenue. The differences include varying levels of traffic volume, amount of industrial traffic, lot orientation, lot width and lot size and amount of yard covered by the proposed variance. Five of the required findings are not met; therefore, staff is recommending denial. Johnson suggested that the Planning Commission consider recommending changes to the fence ordinance if they feel that corner lots should be afforded privacy fences closer to the street. A policy change would be more appropriate than a variance in this case.

Fischer asked if a building permit is needed.

Johnson said if the fence is 6 feet or less in height, it does not need a building permit.

Freemark said he bought the house in the spring of 2015. He showed photos of the site. Over a year ago, he spoke with staff and found that a permit is not required to build a 6 foot fence. He noted that the streets are busy and would like to keep his son safe. He believed there was a miscommunication between the applicant and the city. He showed pictures of other fences that are over 4 feet in height in a front yard. He mentioned he has consent affidavits from his neighbors. He noted that the fence does not interfere with traffic sight lines.

Warner said that the fence has been maintained and the yard looks better than it had previously. He noticed that there are many examples of fences that do not follow code. A major concern for him is peak traffic on Xerxes Avenue. He worries that people can access children with an open yard. He urged the Planning Commission to change the ordinance.

The public hearing was closed via a motion.

Willette asked if the applicant would be able to obtain an encroachment agreement.

Markegard said the encroachment agreement would be at the expense of the applicant.

Goodrum asked if there were other departments that had issues with the fence. And asked when the fence ordinance was updated.

Johnson said it is a zoning issue. Public Works made a comment about the fence being in the right-of-way.

Markegard said the fence ordinance changed in 2009. The main public concern with the new fence standards has been on corner lots.

Goodrum noted the neighbors across Xerxes Avenue have the exact same fence setup.

Markegard stated the intent of the ordinance adopted in 2009 after much discussion was to preserve the open character along streets. If a change in standard is desired, the best option would be to update the ordinance instead of continually requiring fence variances.

Goodrum asked where a 4 foot fence could be placed.

Markegard showed an aerial photo and showed that a 4 foot fence no more than 50% opaque could be placed around the entire lot.

Goodrum asked about the side yard setback for a building.

Markegard stated the setback is 30 feet from the front property line or the prevailing setback, whichever is greater. Given the age of the house, the prevailing is likely 35 feet.

Fischer does not like that the applicant has to tear down the fence. Evidently, the fence ordinance has created more problems. He understands that the fence code may confuse residents. He recommends City Council to take a look at the fence ordinance issue.

Batterson said there were reasons why the fence ordinance was put in place. He is not in favor of granting a variance. It makes sense to preserve an open character along streets, especially with corner lots.

Goodrum said the ordinance was established for reasons. He requests there be a fence policy discussion.

Nordstrom stated this moves to Council on October 19, 2015.

ACTIONS OF THE COMMISSION:

M/Willette, S/Spiess: To close the public hearing. Motion carried 7-0.

M/Spiess, S/Willette In Case 6410AB-15, having been unable to make required findings A, C, i, ii, and iii, I move to recommend denial of variances to increase fence height from four feet to six feet and opacity from 50 percent to 100 percent at 10801 Xerxes Avenue South.
Motion carried 7-0.

ITEM 4
6:54 p.m.

CASE:	8931A-15
APPLICANT:	Dean Nephew (owner and user)
LOCATION:	8330 Pillsbury Avenue
REQUEST:	Interim use permit for open storage as a primary use for boats, trailers and cars

SPEAKING FOR THE APPLICANT:

Dean Nephew, applicant

SPEAKING FROM THE PUBLIC:

John Snow, Great American Marine

PUBLIC HEARING DISCUSSION:

Johnson showed an aerial photo of the site. The surrounding uses are a mix of residential and industrial. This Interim Use Permit would be the third application for an interim use permit on the site. Open storage is a primary use because the property is leased out to an off-site user. The main consideration is that the storage area is not code compliant, specifically in respect to surfacing, curb and gutter, stormwater management and landscaping issues. The initial Interim Use Permit was granted in 2007 as a result of an Environmental Health enforcement issue. In 2010, the applicant was informed that the Interim Use Permit is temporary and would be the last time the City would issue an Interim Use Permit. Staff is recommending the applicant apply for a permanent Conditional Use Permit and bring the site up to City Code standards. Staff found that the application failed to meet Finding 3 and 5. In regards to Finding 3, the storage area would not meet the code requirements on an ongoing basis. In regards to Finding 5, there is no termination date or event identified by the applicant. Therefore, staff is recommending denial of the Interim Use Permit. Staff received one piece of public correspondence from a resident in the nearby townhomes.

Batterson asked if the applicant was informed of the required changes to the site in 2010.

Johnson said that the applicant was informed that the Interim Use Permit is not permanent and the improvements had to be made.

Nephew stated the cost of making improvements (greenspace, stormwater management) is estimated to be about \$250,000. It would likely increase property taxes. He asked staff if the landscaping is required.

Markegard said there is a 5 foot yard area required by City Code between the storage yard and the rear lot line. The landscaping materials required (trees and shrubs) could be placed anywhere within the lot.

Nephew said that the bank would not approve a loan. He cannot afford to make the updated changes. They are a small business trying to survive.

Snow said he has rented the lot since 1973. In 1986, he applied for a Conditional Use Permit to operate a retail business in an industrial zone. He came to an agreement with Ron Johnson that allowed him to use the area for open storage of vehicles and boats. At that time, a Conditional Use Permit was not required and there was no distinction between an Interim and Conditional Use Permit. The site is tucked away; therefore, the improvements would be of no benefit to the use of the lot, aside from aesthetic

improvements. The site stores up to 24 boats during the busy winter season. He would also lose his egress that was approved by the City 30 years ago. The denial of this Interim Use Permit would delay his retirement.

The public hearing was closed via a motion.

Nordstrom stated that if the storage lot was part of the lot with the principal building, then it would be an accessory use. Therefore, this Interim Use Permit would not be an issue.

Markegard said the difference is a matter of City nonconformity standards. Given that the use has been operating under temporary approvals, it must come into conformity upon expiration of those approvals or receive a variance. If the storage had been on the same lot as the use it is directly related to and not subject to temporary approvals, it would be “grandfathered”.

Nordstrom said there has to be effort to improve the current required condition of the property. If the lot were sold to Mr. Snow, it would be part of their business.

Markegard said that if there was a proposal to change ownership through reparcelization, staff would need to further investigate the history of the parcel and how the use was established.

Nordstrom said if the Planning Commission recommends denial of the application, would there be opportunities for them to explore other options.

Markegard said that if the applicant wishes to proceed with reparcelization, they would have to consider a change in the application.

Spiess said she understands the applicant’s concern but the City informed the applicant about the required changes.

Batterson understands the concerns of the business owner. Changing the code may lead to an end of a 30 year business. He urged staff to look at this item further. It is a prime example of small businesses that bump into improving the greater good.

Goodrum said he is disappointed that the applicant couldn’t provide any date of termination for the proposed use. He did not hear the applicant address those issues or other possible options.

Fischer said there were efforts to address and inform the applicant of those concerns. He hates to enforce an ordinance on a storage lot and dislikes the possibility of taking them out of business.

Nordstrom suggested adding a recommendation to the motion and urged staff to discuss options with the applicant.

Nordstrom stated this moves to Council on October 19, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette: To close the public hearing. Motion carried 7-0.

M/Goodrum, S/Spiess: In Case 08931A-15, having been unable to make required findings 3 and 5, I move to recommend denial of a five-year Interim Use Permit to allow open storage as a primary use at 8330 Pillsbury Avenue South for failure to make the required findings. Motion carried 5-2. Fischer and Batterson opposing.

ITEM 5
7:22 p.m.

CASE:	7828A-15
APPLICANT:	City of Bloomington
LOCATION:	10340 Lyndale Avenue
REQUEST:	Final site and building plans to add 12 columbaria structures and related improvements at the Bloomington Cemetery

PUBLIC HEARING DISCUSSION:

Johnson showed an aerial photo of the Bloomington Cemetery. The proposed columbaria would be placed along the 35W frontage road. Twelve columbaria are proposed at various locations. Landscaping and ped ramps would provide access to the columbaria. The initial phase of the project would include 4 columbaria. As market demand increases, the remaining proposed columbaria would be used. The proposed plan meets all code requirements, therefore staff is recommending approval.

The public hearing was closed via a motion.

Willette stated that columbaria are a growing trend for cemeteries around the country and provides additional space to accommodate people.

Nordstrom stated that the Planning Commission makes the final decision on the Final Site and Building Plans.

ACTIONS OF THE COMMISSION:

M/Willette, S/Spiess: To close the public hearing. Motion carried 7-0.

M/Fischer, S/Bennett: In Case 07828A-15, having been able to make the required findings, I move to approve Final Site and Building Plans for 12 columbaria at Bloomington Cemetery located at 10340 Lyndale Avenue South, subject to the 5 conditions and 3 Code requirements listed in the staff report. Motion carried 7-0.

CONDITIONS OF APPROVAL:

The Major Revision to Final Site and Building Plans (Case 07828A-15) is subject to the following conditions being satisfied prior to the issuance of development-related permits:

1. Building and site improvements are limited to those on the approved plans in Case 08008BC-15.
2. The Grading, Drainage, Utility, Erosion Control, Traffic Control, Access, Circulation, and Parking plans must be approved by the City Engineer.
3. An erosion control surety must be provided and approved erosion control measures must be in place and inspected prior to issuance of grading permits.
4. A Stormwater Management Plan must be provided which meets the requirements of the City of Bloomington Surface Water Management Plan, as well as a maintenance plan to be signed by the property owner and filed of record with Hennepin County.

and subject to the following ongoing conditions:

5. All construction related parking, loading and unloading, staging, and material storage

must occur on-site and off of adjacent public streets.

and, while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

1. Lighting must satisfy the requirements of Section 21.301.07 of the City Code.
2. Landscape plan must be approved by the Planning Manager and landscape surety be filed (Sec. 19.52).
3. Development must comply with the Minnesota State Accessibility Code (Chapter 1341).

ITEM 6
7:27 p.m.

CASE:	10000H-15
APPLICANT:	The Bedroom Inc.
LOCATION:	
REQUEST:	Privately initiated City Code Amendment to create a definition and new parking standards for the retail sales of durable goods or large items thereby amending Chapters 19 and 21 of the City Code

SPEAKING FOR THE APPLICANT:

Wayne Johanson, HOM furniture

PUBLIC HEARING DISCUSSION:

Johnson said the item is for a privately initiated code amendment. HOM furniture plans to expand their store in Bloomington, resulting in 166,000 square feet of gross floor area. It became clear that providing the amount of parking required for the general retail category would be the greatest challenge for the store expansion. The applicant provided parking demand data from three HOM furniture stores that indicated a demand of 1 space per 1,300 square feet. Through this parking study, the applicant found that most cities have reduced off-street parking for large item retail sales, especially furniture and appliance stores. Staff researched large retail parking standards of various Minnesota cities and found that the proposed ordinance change would make Bloomington standards more consistent with other cities. Johnson noted there is a concern with reuse of potential smaller sites. The applicant understands the concern and it reflected in the parking standard. The nature of a large retail business limits over the counter sales. The existing ordinance would require over 600 spaces whereas the proposed ordinance would change to 250+ parking spaces. Staff feels comfortable with the change in ordinance based on the parking study submitted and the standards required in other cities and is recommending approval.

Bennett asked if the privately initiated ordinance defines the different types of large retail. She also asked what types of uses are available if the site does leave.

Markegard stated there are some specific sub-uses listed in the definition, but other uses would require an interpretation on whether they meet the language of the large item retail category.

Johnson said that reuse of the site could include office and general retail.

Markegard said that realistically, conversion of the building to a typical big box retail with higher parking demands would require removal of square footage or adding a parking ramp.

Goodrum asked how many other uses would be affected by this ordinance change.

Markegard said in theory, it could be taken advantage of by other existing large item retail uses. Staff suspects that the impacts would be primarily with new large item retailers.

Johanson said the parking nature of furniture retail is different than other stores. He said they have a lot of data on the parking demand at their Bloomington location. The highest number of cars was 74 during an hour's time. Data shows that an average stay is approximately 47 minutes. The ordinance change would allow the applicant to reduce parking but would still be more than they would need.

Willette reiterated the definition of large retail sales is predominantly furniture sales.

The public hearing was closed via a motion.

Batterson noted there is wisdom involved in this application to avoid unnecessary parking that is in no one's interests.

Fischer said it makes sense to have less parking and liked the compromise in case another use utilizes this site.

Nordstrom stated this moves to Council on November 2, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 7-0.

M/Fischer, S/Spiess: In Case 10000H-15, I move to recommend approval of an ordinance amendment to amend Section 19.03 defining "Retail, Large Item Sales" and Section 21.301.06 to add an off-street parking schedule for "Large Item Retail Sales".
Motion carried 7-0.

ITEM 7
7:46 p.m.

APPLICANT: City of Bloomington

REQUEST: City Code Amendment – Water Resources Update

PUBLIC HEARING DISCUSSION:

Bryan Gruidl presented the City Code Amendments related to water resources:

- The main objectives:
 - Update the MS4 Program
 - Sec. 1.06 - Add Water Resources Manager and WR civil engineer
 - Sec. 16.03 and 16.10 – illicit discharge related definitions, enhanced description of illicit discharge program, and establish illicit discharge exemptions
 - Updates to public nuisances listed in Chapter 12
 - Consolidate water resources to Chapter 16
 - Move all references to storm utility from Chapter 11 to Chapter 16
 - Recognize Chapter 16 to include: general provisions, stormwater management, storm pond aeration, storm utility and wetlands
 - Eliminate any outdated articles
 - Update other water resource related portions of City Code
 - Update Chapter 15 which requires stormwater management before any permit, establishes standards for construction in low areas and updates requirements for grading permits
 - Ensure consistent stormwater practices among all land uses
 - Allow special studies to include stormwater management

Willette asked if there will be a meeting regarding this update.

Gruidl said the consultant is going through the data collecting process now. These changes are different from the Richfield Bloomington Watershed Management Organization.

The public hearing was closed via a motion.

Nordstrom stated this moves to Council on November 2, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: I move to recommend approval of the ordinance as attached to the staff report to amend Chapters 1, 2, 12, 14, 19, and 21 of the City Code.

Motion carried 7-0.

REQUEST: Consider approval of draft Planning Commission meeting synopsis

- 9/10/15

Approved By Planning Commission: 11/5/15